



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,451	01/20/2004	Dong Yu	M61.12-0582	3046
27366	7590	02/04/2008	EXAMINER	
WESTMAN CHAMPLIN (MICROSOFT CORPORATION)			SHAH, PARAS D	
SUITE 1400			ART UNIT	PAPER NUMBER
900 SECOND AVENUE SOUTH			2626	
MINNEAPOLIS, MN 55402-3319			MAIL DATE	DELIVERY MODE
			02/04/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)
	10/761,451	YU ET AL.
	Examiner	Art Unit
	Paras Shah	2626

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 January 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
- a) The period for reply expires _____ months from the mailing date of the final rejection.
b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as defined above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) They raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) They raise the issue of new matter (see NOTE below);
 - (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL -324).
5. Applicant's reply has overcome the following rejection(s): _____.
6. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: The Applicant arguments have been fully considered but do not place the application in condition for allowance.

In response to the arguments presented by the Applicants regarding claims 1 and 7, an argument is made that the Nassiff et al. (US 6,418,410) reference for claim 1 and Nassiff et al. in view of Hon et al. (US 5,852,801) for claim 7, does not teach the limitation of modifying a probability associated with an existing pronunciation. The Examiner traverses this argument. The following passages are cited in Nassiff, (col. 6, lines 64-65 and col. 7, lines 43-61) to show the updating of the language model and the relevant statistical scores (e.g. probability). Furthermore, the word patterns as disclosed to Nassiff is a representation of word sequences (see col. 6, lines 60 -66) that consist of probabilities associated with each other. A change in the sequence of word directly affects the pronunciation, where the stated reference prevents future misrecognition by updating the language model (see col. 6, lines 33 -34). The language model is updated in order to recognize words that may sound similar by modifying the probability (see col. 6, lines 45 -50). The recognition of the correct dictation is updated and by this statistical correction the correct pronunciation dictated by the user is accepted so the error does not occur again between the words step and steep.

In response to the second argument, an argument is made that the Nassiff et al. reference in view of Gould (EP 0773 532 A2) for claim 24 does not teach the inferring whether the change is a correction based at least partially upon the number of words changed. The Examiner traverses this argument. In col. 5, lines 33 -48 and col. 5, lines 50-61 of the Nassiff reference, the cited portions describe the detection or inferring whether a correction to a dictation has occurred or whether text is being added. The claim language of claim 24 only indicates the detection to dictated text and whether the change is a correction. Hence, as shown in the cited portions of Nassiff, the deletion, pasting are used as possible sources of user correction. If no overwriting occurs, then correction by the user is not determined to be made. In the Applicant's arguments, there is mention of determining an edit or a correction. However, the claim limitation in its current form does not mention anything about edits and further limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).



PATRICK N. EDUARD
SUPERVISORY PATENT EXAMINER